



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Dentistry

124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102

**VIA CERTIFIED (RRR) AND REGULAR MAIL**



JOHN J. HOFFMAN  
Acting Attorney General

STEVE C. LEE  
Acting Director

Dr. Anthony Navilio  
1100 Route 72 West, Suite 202  
Manahawkin, NJ 08050-2474

January 9, 2015  
RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 2-3-15 DA

**Mailing Address:**  
P.O. Box 45005  
Newark, NJ 07101  
(973) 504-6405

Re: Settlement Letter in Lieu of Formal Disciplinary  
Proceedings in Complaints:  
88139 - Patient A.P.

Dear Dr. Navilio:

This letter is to advise you that the New Jersey State Board of Dentistry completed its review of information concerning the above captioned complainants. Specifically, the information reviewed included:

1. The patient's complaint;
2. A copy of your response, including patient treatment and financial records, and other office records;
3. A copy of a transcript of your appearance before the Board on October 15, 2014; and,
4. Other available information about the patient's condition.

Based upon the review of these matters, the Board has determined that you engaged in the following actions which may constitute violations of the Board's statutes and regulations:

1. **Record Keeping and Billing** - You performed surgical extractions as described in the American Dental Association's Current Dental Terminology - "#7210 Surgical Extractions". You then submitted insurance claims for a series of unbundled services which, by definition, are included in #7210. You also billed patient inappropriately and failed to provide patient with proper refund amount.
2. **Advertising** - Your professional letterhead contains the advertisement that you are a specialist in dental implants, even though such a speciality is not recognized by the American Dental Association or the Board's regulations..

These actions may constitute acts sufficient to initiate the filing of formal disciplinary proceedings. However, the Board has determined that it will first offer you an opportunity to settle this matter, and avoid the initiation of formal disciplinary proceedings, should you agree to the following:

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1. Provide restitution to the patient for the difference in the procedures billed compared to those actually rendered, in the amount of \$900; and produce a copy of the current patient ledger that shows the restitution and forgive any outstanding balance still on the patient's account in your office records.
2. Successfully complete a total of eleven (11) credits of remedial continuing education in the following subject areas: seven credits in coding and four credits in ethics. Remedial course work is in addition to the continuing education that is required for the renewal of your license, and must be completed within six (6) months of the signing this letter.
3. Pay a civil penalty in the amount of \$5,000 for providing inaccurate submissions to insurance, unbundling services, and violations of the Board's advertising regulations.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. The restitution should be paid by a check or money order made payable to the patient and insurance company, respectively, and submitted to the Board office. You should also submit a copy of the adjusted patient ledger that shows that the patient's account balance has been made "\$0". You should be aware that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, in addition to other sanctions, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer, I suggest that you contact Deputy Attorney General Swang Oo, who may be reached at (973) 648-2500.

Settlement Letter

January 9, 2015

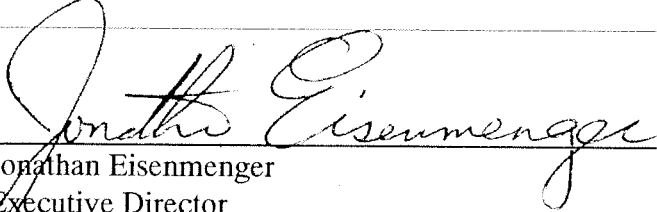
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If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you by Friday, January 30, 2015, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Sincerely,

**STATE BOARD OF DENTISTRY**

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Jonathan Eisenmenger  
Executive Director

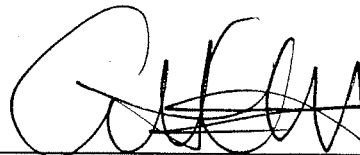
cc: Swang Oo, Deputy Attorney General

**ACKNOWLEDGMENT:** I, Dr. Anthony Navilio, have read and reviewed the settlement proposal set forth in this settlement letter. I acknowledge the conduct which has been charged. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board is a matter of public record, and that this letter is a public document. I agree to comply with the directives noted. I will:

1. Provide restitution to the patient for the difference in the procedures billed compared to those actually rendered, in the amount of \$900; and produce a copy of the current patient ledger that shows the restitution and forgive any outstanding balance still on the patient's account in your office records.
2. Successfully complete a total of eleven (11) credits of remedial continuing education in the following subject areas: seven credits in coding and four credits in ethics. Remedial course work is in addition to the continuing education that is required for the renewal of your license, and must be completed within six (6) months of the signing this letter.
3. Pay a civil penalty in the amount of \$5,000 for providing inaccurate submissions to insurance, unbundling services, and violations of the Board's advertising regulations.

1/26/15

Date



Dr. Anthony Navilio